

AMENDED IN SENATE MAY 2, 2012

**SENATE BILL**

**No. 1333**

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**Introduced by Senator Blakeslee**

February 24, 2012

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An act to add Section 108 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1333, as amended, Blakeslee. Employment: labor standards: consultation unit.

Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws.

This bill would establish in the division the Labor Standards Consultation Unit for the purpose of providing consulting services to ~~employees~~ *employee groups* and employers with 100 or fewer employees regarding compliance with wage and hour laws. The bill would state the intent of the Legislature that the unit ultimately be self-supporting and, to further that end, would authorize the unit to charge a ~~requester~~ *requesting employer or employee group* a fee for consulting services provided, not to exceed the actual cost to the unit, and to further fund its operation from grants obtained from for-profit or not-for-profit nongovernmental and governmental entities. ~~The bill would prohibit the division from citing an employer for a violation of any labor standard, order, or regulation discovered as a result of an employer requesting or accepting services from the unit pursuant to the bill if the employer remedies the violation within an unspecified number of days and the employer is not the subject of an ongoing investigation by the division.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 108 is added to the Labor Code, to read:

2 108. (a) There is established in the Division of Labor Standards  
3 Enforcement, the Labor Standards Consultation Unit to provide,  
4 upon request, a full range of consulting services to an employer  
5 or employee group. Those consulting services shall include  
6 providing information, advice, or recommendations on complying  
7 with wage and hour laws under the jurisdiction of the division.  
8 *The division shall develop procedures for offering the consultation*  
9 *services to employers and employee groups, which shall include*  
10 *training efforts, educational materials, and online resources.*

11 (b) (1) The unit may charge the ~~requester~~ *requesting employer*  
12 *or employee group* a fee for consulting services provided pursuant  
13 to this section, not to exceed the actual cost to the unit.

14 (2) The unit may fund its operation through grants obtained  
15 from for-profit or not-for-profit nongovernmental entities and  
16 governmental entities and from fees charged for consulting  
17 services, with the intent that this unit ultimately be self-supporting  
18 through grants, donations, and fees.

19 ~~(e) (1) The division shall not cite an employer for a violation~~  
20 ~~of any standard, order, or regulation adopted pursuant to this code~~  
21 ~~if the violation is discovered as a result of an employer requesting~~  
22 ~~or accepting consulting services offered pursuant to this section~~  
23 ~~and, within \_\_\_\_\_ days of that discovery, the employer takes~~  
24 ~~corrective action that remedies the violation. The corrective action~~  
25 ~~must make whole the employee or employees affected by the~~  
26 ~~violation, if required under other provisions of this code.~~

27 ~~(2) This subdivision does not apply to an employer who is the~~  
28 ~~subject of an ongoing formal investigation by the division for a~~  
29 ~~wage and hour violation.~~

30 ~~(d)~~

31 (c) “Employer” as used in this section includes only employers  
32 with 100 or fewer employees.

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